

**INTERDISTRICT PUBLIC SCHOOL CHOICE**  
**ANNUAL REPORT**  
**July 1, 2002 – June 30, 2003**

**A. INTRODUCTION**

The Interdistrict Public School Choice Program Act of 1999, at *N.J.S.A. 18A:36B-11*, requires the Commissioner of Education to report annually to the Legislature and the State Board of Education on the effectiveness of the interdistrict public school choice program (school choice program). The first annual report provided information on the initial implementation of the program. The second annual report provided information on the second year of implementation and offered three recommendations for modification of the program. Both reports are available on the Department of Education (department) Web site at: [www.nj.gov/njded/choice/annrept/](http://www.nj.gov/njded/choice/annrept/).

The 2002-2003 school year was the third year in which New Jersey students attended public schools outside their districts of residence under the Interdistrict Public School Choice Program. This report includes information on the third year of implementation of the school choice program, identifies expectations for the implementation of the fourth year of the program (the 2003-2004 school year), and makes recommendations for the reauthorization, expansion and modification of the program.

The Interdistrict Public School Choice Program Act established the choice program as a five-year pilot to explore whether public school choice could provide a viable educational option for New Jersey students and their families. Unless reauthorized by the New Jersey State Legislature, the program will expire on June 30, 2005. This report, as well as the reports previously issued by Commissioners of the department, provides a strong basis for the continuation and expansion of the school choice program throughout the State of New Jersey.

In addition to offering previously unavailable opportunities to students and their parents, the school choice program has improved the quality of education in choice districts, and has had a positive impact on the participating sending districts. Both schools and students have benefited from the program.

Throughout its brief history of implementation, the school choice program has reflected a philosophy of cooperation, support and the joint identification of potential problems and the development of solutions among the districts participating in the program (choice districts), department staff and, where relevant, districts of residence of the students participating in the school choice program (choice program students). The school choice program is an exemplar of the department commitment to the facilitation of educational opportunities for the benefit of the children who are our ultimate clients.

The data included in this report are current as of June 1, 2003. Slight differences may occur in student statistics at the start of the new school year in September 2003. However, the history of the program suggests that these changes will be minimal and should not significantly impact the validity of the data reported here.

## **B. PROGRAM DESCRIPTION**

The Interdistrict Public School Choice Program Act of 1999, *N.J.S.A. 18A:36B-1 et seq.* established in New Jersey for the first time a program to provide students with a public school choice funded directly by the state. Prior to the establishment of this law, public school choice was offered only to those students who attended county vocational-technical schools, students enrolled in in-district or, in rare cases, out-of-district magnet schools, charter school students, students who attended school in the district in which one of their parents was a teacher, and students whose families could afford either to move to another district or to pay tuition to the public school district of their choice. The school choice law created a very small, controlled five-year pilot test of public school choice that allows students to cross district lines at the state's expense. Provisions in the law limit the number of choice districts and the number of students who can participate in the program. There are also provisions in the law that control the impact of the program, ensure that student population diversity is maintained in all participating districts, and provide for an evaluation of the program. The current law is set to expire in June 2005.

The Commissioner is authorized to approve a total of 21 choice districts with no more than one per county during the five years of the pilot program. Choice districts are selected through a competitive application process based on criteria established in statute and regulation. To become a choice district, the district must have seats available for out-of-district students and must complete an application provided by the department. Charter schools and county vocational schools are not eligible to participate in the choice program since those schools are already providing students with a choice. Districts in a sending-receiving relationship are eligible to participate in the program unless otherwise legally prohibited.

Choice districts may limit their programs to a particular grade level or to areas of concentration in the district such as mathematics, science, or the arts, and may make seats available at any grade level from 1-10. To be eligible to enroll in a choice district, a student must be enrolled in grades K-9 in a public school in his or her district of residence for one full year immediately preceding enrollment in the choice district. Students can apply to choice districts for enrollment in the following school year during a two-cycle application process that occurs in both the fall and the spring.

A choice district may establish reasonable criteria to select a prospective student. Criteria may include the student's interest in the program (this is usually applied only in choice districts with specialized programs), or any

criteria for admission to a program that the choice district applies to its resident students. A choice district cannot discriminate in admissions policies, and if there are more applicants than there are seats available, the choice district must hold a lottery to select choice students. Choice districts can give preference to siblings of enrolled students.

A choice district may reject the application of a student who has been classified as eligible for special education services if that student's IEP could not be implemented in the district, or if enrollment of that student would require the district to fundamentally alter the nature of its educational program, or would create an undue financial or administrative burden on the district. However, a choice district may not prohibit the enrollment of a student based upon a determination that the additional cost of educating the student would exceed the amount of additional state aid received as a result of the student's enrollment.

A choice district may not enroll parent-paid tuition students while participating in the public school choice program. However, previously enrolled parent-paid tuition students are entitled to remain enrolled in the choice district as choice students.

The choice district is responsible for transportation of choice students who reside more than two miles in grades K through eight and more than two and one half miles in grades nine through 12 and who reside 20 miles or fewer from the choice district's school. Parents are responsible for transportation beyond 20 miles. A choice district is authorized to provide aid in lieu of transportation. All choice districts receive transportation aid for each enrolled choice student eligible for transportation services.

Choice districts must create and implement a regionwide public information program and must establish a parent information center to assist parents during the student application process.

All choice districts receive a new categorical aid called school choice aid for each enrolled choice student, whether or not that district receives core curriculum standards aid. School choice aid is current year funded and is not included in the calculation for the spending growth limitation, or cap. Choice districts in district factor groups A or B receive school choice aid at a rate equal to the weighted per-pupil maximum T&E amount. All other choice districts receive school choice aid at a rate equal to the weighted per-pupil T&E amount. Choice districts also receive all associated categorical aids such as transportation or special education aid.

Controls have been built into the school choice program to minimize the impact on sending districts. A sending district is a district whose resident students seek to participate in the school choice program by applying to a choice district. A sending district may adopt a resolution to limit the number of its students participating in the school choice program to a minimum of two percent per grade per year and/or seven percent of the total student body, or to a maximum of 10 percent per grade per year and/or 15 percent of the total student body. If a sending district adopts a resolution establishing enrollment restriction

percentages greater than the minimum, the Commissioner must approve the resolution. A sending district that has passed a resolution limiting participation of its resident students in the school choice program must hold a lottery if the number of its students seeking to apply to choice districts exceeds the number calculated by applying the percentage to enrollment.

Sending districts that receive Core Curriculum Standards Aid receive impact aid for each of their resident students enrolled in a choice district. Impact aid was designed to assist sending districts through a phase-out of aid that they would have otherwise received for these students. For each resident student enrolled in a choice district, sending districts receive 75 percent of Core Curriculum Standards Aid in the first year, 50 percent in the second year, 25 percent in the third year, and 0 percent in year four and subsequent years.

One of the unique aspects of New Jersey's school choice program is the statutory requirement for evaluation of the program. [see *N.J.S.A. 18A:36B-11*] The Joint Committee on the Public Schools is required to commission an independent study of the implementation of the program. The Commissioner is required to issue annual reports on the effectiveness of the program that are based on the annual and interim reports that the choice districts are required to provide to the department. The independent study and the Commissioner's annual reports will form the basis of a Joint Committee report to the Legislature with recommendations on whether the program should be continued as is or be modified.

### **C. CHOICE DISTRICTS**

In the first four choice district application periods, the New Jersey Department of Education (department) has selected fourteen choice districts from among those districts that had submitted competitive applications. Ten choice districts were selected in the first year of the program with students enrolling for the first time for the 2000-2001 school year; one additional district was selected for the second year of the program with students enrolling for the first time for the 2001-2002 school year; two additional districts were selected for the third year of the program with students enrolling for the first time for the 2002-2003 school year; and one additional district was selected for the fourth year of the program with students enrolling for the first time for the 2003-2004 school year.

In spring 2003, eligibility to apply to become a choice district was open to districts in Cape May, Essex, Mercer, Middlesex, Passaic, Somerset, and Sussex counties. The department has received one application from a district in Cape May County and one from a district in Passaic County. The Commissioner will announce newly approved choice districts, if any, on or before July 30, 2003. Those districts would enroll choice students beginning in the 2004-2005 school year.

The current choice districts represent a broad spectrum of district types and District Factor Groups (DFGs). This has proven useful to the pilot test of interdistrict public school choice. As the choice districts table in Appendix A

shows, there is one choice district in DFG A, there are five in DFG B, two in DFG CD, four in DFG DE, and two in DFG FG. The table also shows that there are five K-12 districts, one PreK-12 district, two PreK-8 districts, two K-8 districts, three K-6 districts, and one 9-12 district. Choice districts have made seats available to choice students in grades one through 10. Three of the K-12 districts, Englewood, Salem and Upper Freehold, have limited their choice programs to the high school grades, although Salem has opened seats in lower grades for the 2004-2005 school year. There are more seats available at the high school level because both Englewood and Salem have created new programs for high school students.

While the Commissioner has the authority to approve one choice district per county, the department does not expect to establish a choice district in each of New Jersey's 21 counties. There are some counties in which every school district is experiencing increased student enrollment. These districts have no room for out-of-district students and thus are ineligible to become choice districts.

At the same time, there are counties that could sustain more than one choice district. In some counties, such as Warren and Gloucester, more than one district has submitted an application to become a choice district. The department has also received inquiries from superintendents interested in the school choice program only to find that their districts are ineligible because their counties already have a choice district. Because of overcrowding in some counties and the statutory limitation of 21 choice districts with no more than one per county (see *N.J.S.A. 18A:36B-3*), it is anticipated that fewer than 21 districts will be approved as choice districts during the five-year pilot, thus further limiting the pilot's size.

The past three years have shown that choice district status is beneficial in different ways for specific districts and that not all districts will pursue choice district status. Districts interested in becoming choice districts usually share some of the following characteristics:

- Declining or low enrollment. Choice districts must have available seats for out-of-district students.
- No or low growth potential. For example, two of the choice districts are in the Pinelands where development is restricted and some are completely surrounded by other districts, thus limiting development potential.
- Smaller districts facing financial challenges. Some of the choice districts had to raise taxes every year before entering the school choice program. One choice district faced a 25-cent tax hike that was reduced to 5 cents in its first year of choice district status.
- Districts seeking to increase diversity. Several choice districts sought choice district status in order to increase diversity in their student bodies. One choice district has been able to address a long-standing desegregation challenge by admitting out-of district students through the school choice program.
- Districts seeking to implement innovative programs. Some choice districts have used choice district status as a means to develop new programs or to improve current innovative programs; and
- Districts interested in reducing class size.

Englewood and Salem are choice districts that have seen choice district status as an opportunity to develop new programs that would help the districts to retain resident students and to attract a more diverse student body. These districts are implementing innovative programs that were introduced for the first time in the 2000-2001 school year. Salem has established a new Pathways program and Englewood has implemented the Academies @ Englewood. Both districts have faced challenges in recruiting choice students and had no choice students enrolled in the 2000-2001 school year. One choice program student enrolled in Englewood for the 2001-2002 school year. Both districts have had to overcome issues unrelated to school choice in order to attract new students. Englewood has been faced with the challenge of correcting long-standing segregated enrollment with the accompanying problems of community resistance to the process. Salem City has faced the challenges presented by changing racial and socioeconomic demographics over a prolonged period of time. Both districts have made strides in overcoming these challenges.

In the 2002-2003 school year, Englewood enrolled 55 choice students, and an additional 46 have enrolled for the 2003-2004 school year, bringing the total number of choice students participating in the Academies@Englewood, the district's school choice program, to 121. The addition of the choice students to the Academies@Englewood has reduced the percentage of black students participating in the program from 53.85% (with only resident students participating) to 28.13% (with resident students and school choice program students participating.)

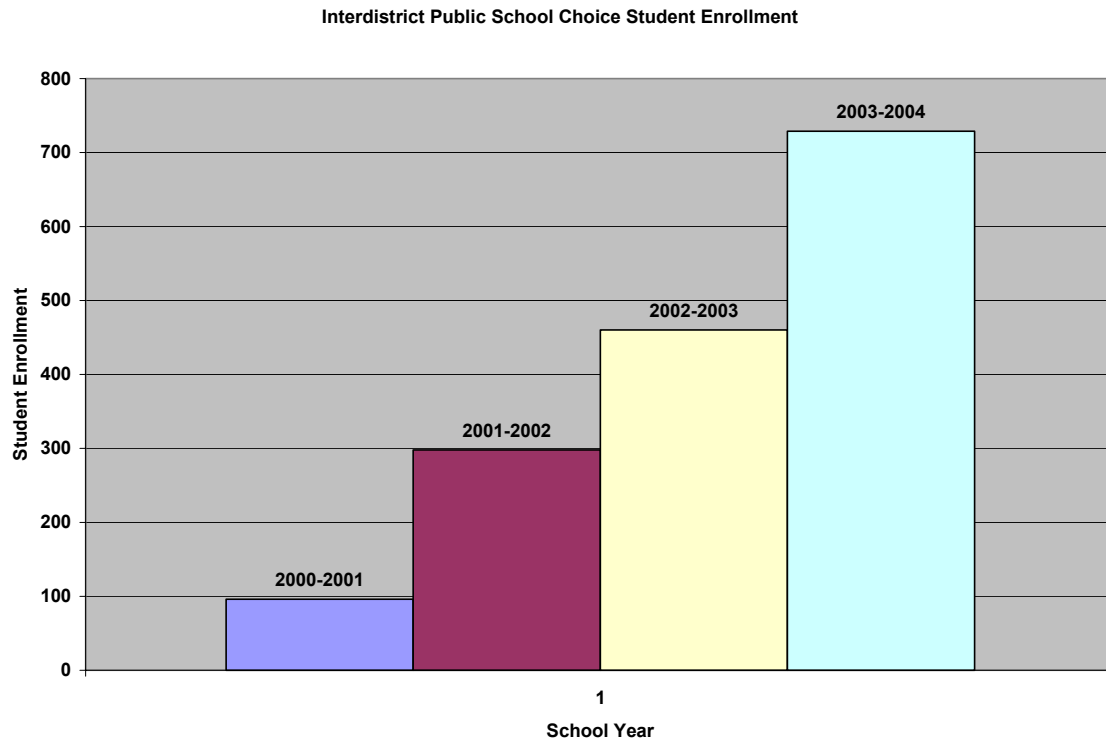
Salem City's school choice program, Pathways, has enabled the district to retain more of its resident students, to bring some of its resident students back from out-of-district schools, and enrolled 2 students in the 2002-2003 school year and 8 additional students for a total of 10 school choice program students in the 2003-2004 school year.

The school choice program clearly has proven to be beneficial for choice districts, choice students and their parents. In addition, students who reside in the choice districts, their parents and their communities have benefited from smaller class sizes, the establishment of innovative programs, the expansion of classes in art, music, literature and technology, the increase in instructional hours or days, the enrichment of the school community through the addition of students of different backgrounds and with different experiences from those of the district's resident students. All choice district superintendents agree that the program should be continued with some changes that will be discussed in the recommendation section.

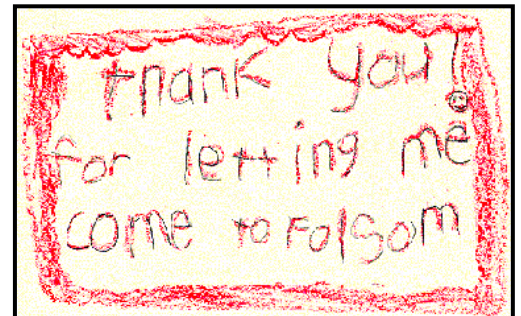
#### **D. CHOICE STUDENTS**

Choice students have been attending choice districts since the 2000-2001 school years. The chart on page 7 shows that the program got off to a slow start with a total of only 96 students enrolled in 10 districts for the 2000-2001 school year. In the 2001-2002 school year 291 students were enrolled in 11 districts; in 2002-2003 461 students were enrolled in 13 districts; and 736 students are enrolled in 14 districts for the 2003-2004 school year. An

additional 445 seats are available in the current choice districts for the 2004-2005 school year. Of these, 190 are available in two districts, Englewood and Salem City; the number of seats available in each of the remaining choice districts has substantially decreased.



As this poster drawn by a first grade Folsom choice program student for Back-to-School Day with the Legislature demonstrates, choice students are very happy in their new schools. These are students who would have never had the opportunity to select a different public school without the school choice program. In some cases, choice students move from overcrowded districts to smaller districts where they receive extra attention. In some cases, parents send their children to a choice district because they had attended the district as children, but do not currently live in the district. Parents of the choice students are enthusiastic supporters of the school choice program and have become strong advocates for the program in their communities, and frequently have assisted in the recruitment of new choice students.



Although they were uncertain at first, choice district staff report how pleased they are to have opened their doors to out-of-district students. Choice students have been a welcome addition in the choice district classrooms. Most choice district superintendents agree that choice students fit right into their districts. For the most part, the composition of choice students mirrors the composition of the resident student body.

As the fourth year of implementation of the school choice program approaches, several choice districts have reached or are anticipating reaching, a limit to the number of choice program students they will be able to absorb into their student bodies. As the students accepted in the past three years remain in the choice districts, the number of available seats for choice program students decreases. For example, Kenilworth which will enroll 97 choice program students in September 2003, can only offer 20 seats in its 9<sup>th</sup> grade class for the 2004-2005 school year. The district reported in May that it had already received over 60 inquiries from parents interested in applying for those 20 seats.

Many of the choice districts have received so many applications for their available seats that they have had to hold lotteries each year to select the students admitted to the choice program.

The increase in the total number of choice students is indicative of the success that the school choice program has had in increasing choice opportunities for New Jersey's students in the communities surrounding choice districts. At the same time the limited number of seats available in the choice districts clarifies the need for the expansion of the program.

## 1. Choice Student Characteristics

As the pie chart in Figure 1 indicates, 51 percent of the choice program students enrolled for the 2003-2004 school year are male and 47 percent are female, with 2 percent not reported.

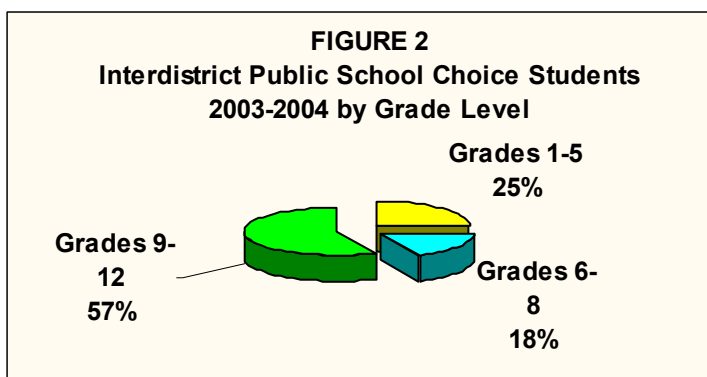
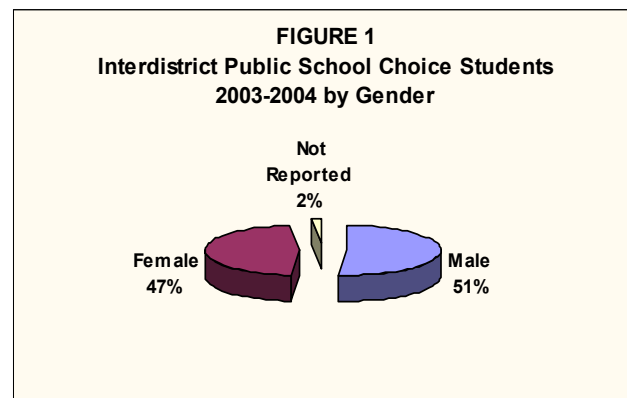
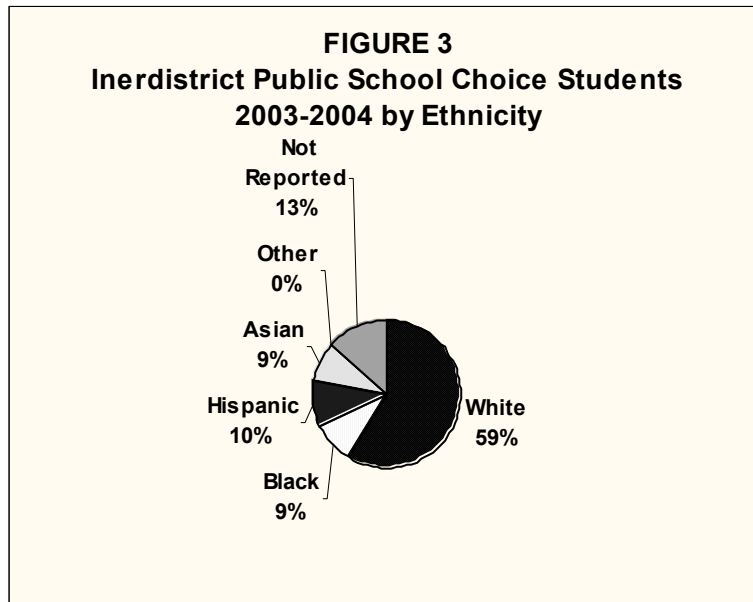


Figure 2 shows that 25% of the choice program students are enrolled in elementary school, 18% are enrolled in middle school and 57% are enrolled in high school.



Figure 3 shows that 59% of the choice program students enrolled in choice districts for the 2003-2004 school year are White; 9% are Black; 9 % are Asian, 10% are Hispanic and ethnicity was not reported for 13% of the students.



These figures must be viewed with the realization that in Englewood which has enrolled 121 students in the choice program for the 2003-2004 school year and in Salem City which has enrolled 10 students, the effort to increase diversity within the

district involves a decrease in the percentage of black students in the district.

Children in need of special education have applied to and been accepted by most of the choice districts. The following chart shows the number and percentage of special education students enrolled in the choice districts for the 2003-2004 school year.

<b>INTERDISTRICT PUBLIC SCHOOL CHOICE 2003-2004 SCHOOL YEAR SPECIAL EDUCATION STUDENTS</b>		
<b>District</b>	<b>Number of Students</b>	<b>Percentage of Choice Students</b>
Belvidere	6	20.00%
Bloomsbury	3	10.71%
Brooklawn	6	10.17%
Cumberland	14	16.28%
Englewood	0	0%
Folsom	9	8.41%
Hoboken	12	17.91%
Kenilworth	6	6.19%
Mine Hill	0	0%
Salem	2	20.00%
South Harrison	0	0%
Upper Freehold	6	10.34%
Washington Twp	3	27.27%
<b>TOTALS:</b>	67	9.10%

These numbers and percentages change from year to year and districts that do not show any special education students for the 2003-2004 school year may have enrolled such students in the past or may enroll them in future years. In the 2002-2003 school year, approximately 13 percent of the 461 choice program students enrolled in the choice districts were classified as in need of special education. In each year of the school choice program's implementation, the total percentage of students classified as in need of special education has approximated the statewide percentage. These figures do not take into consideration students who are classified by the choice district once they attend school in the choice district. The special education students have been accommodated successfully in the choice districts.

Choice student demographics are determined by parental decisions about where their children should go to school. The demographics are also a reflection of the location of each choice district, the demographics of each choice district and its surrounding potential sending districts, and the lotteries held in both sending districts and the choice districts during the student application process.

## **2. Application Process**

The choice student application process has been modified since the initial implementation of the school choice program. Originally the program was designed with a single student application cycle which began in the fall and was concluded by the end of January. After the conclusion of the first student application process, the department established a two-cycle application process in response to feedback from the choice districts. This process allowed more time for choice districts to recruit students. It also benefited parents and students who had additional time to explore their options and to make a choice.

During the first three years of experience with the two-cycle application process, in most choice districts more choice students enrolled during the first application cycle than during the second cycle. Some choice districts, such as Kenilworth, have been unable to hold a second application cycle because the districts filled all available seats in the first application cycle. However, several districts have found that parents and students are not making their plans for the next school year early in the current year; therefore, those districts have received more applications from potential choice students during the second application cycle.

For the student application process for the 2001-2002 school year and 2002-2003 school year, the department added the development of waiting lists in the sending districts and the choice districts for those potential choice program students who were not selected in the district lottery. Student application timelines were expanded to include a period in which the choice districts could accept students from the waiting list to fill the seats which students who won the lottery had declined. (See Appendix B) During the application process for the 2003-2004 school year the use of the waiting list has been extended to permit the choice districts to fill vacated choice seats for the upcoming school

year up until August 15<sup>th</sup>. The creation and use of waiting lists has extended to more students the opportunity to participate in the school choice program.

The Academies@Englewood which were first implemented in the 2002-2003 school year, compete with the very successful Bergen Academies for out-of-district students in Bergen County and surrounding areas. The implementation of the standard student application cycle for students applying to the Academies@Englewood revealed a problem specific to that choice district in that students who had been accepted into the Englewood school choice program following the standard student application timelines then applied to the Bergen Academies and, if accepted, withdrew from the Englewood program, leaving Englewood with unfilled school choice program seats. Working with the Englewood School district, the department developed student application timelines for the Academies@Englewood to correspond to the application schedule for the Bergen Academies. ( See Appendix C ) The Academies@Englewood implemented these customized student application cycle timelines for the 2003-2004 school year and experienced fewer conflicts with the Bergen Academies' program.

The evolution of the student application process and the student application timelines over the four years of their implementation illustrates the strong cooperative and mutually supportive ethos of the choice districts and department staff involved in the Interdistrict Public School Choice Program, as well as all parties' commitment to ensuring that the school choice program provides public school choice to as many New Jersey students as possible.

## **E. IMPACT OF THE SCHOOL CHOICE PROGRAM**

As noted earlier in this report, throughout the first three years of implementation the school choice program clearly has had an overall positive impact on all participants. Choice districts, choice students and their parents, as well as resident students of the choice districts, their parents and their communities have benefited from smaller class sizes, the establishment of innovative programs, the expansion of classes in art, music, literature and technology, the increase in instructional hours and/or days, and the enrichment of the school community through the addition of students of different backgrounds and with different experiences from those of the district's resident students.

The provision in the school choice program requiring choice districts to provide transportation to choice students has been effective in promoting choice opportunities for students. In other states with similar school choice programs, parents are required to provide transportation. The school choice program in New Jersey provides choice districts with transportation aid and allows districts to provide aid in lieu of transportation.

In many cases, the school choice program also has been positive for sending districts, especially those that are overcrowded. Because each choice district makes only a limited number of seats available, and prospective choice students from all of the surrounding sending districts must compete for the

limited number of available seats, sending districts have not experienced a significant reduction in their student populations. While many sending districts have exercised their right to pass resolutions limiting the participation of their resident students in the school choice program, many have not chosen to do so. (See Appendix D) In addition, sending districts that qualify for Core Curriculum Standards Aid receive impact aid for their students who attend a choice district.

However, the positive impact on parents and students stemming from the creation of new choice opportunities is limited. The design of the school choice program as a small pilot with limited student eligibility criteria has limited the number of New Jersey students and parents who are provided with an affordable educational choice. There are many parents and students who want to participate who are either ineligible or who do not live near a choice district.

In the 2003-2004 school year choice program students will come from 107 different sending districts. Based on the latest information collected by the department (see Appendix D) it appears that fewer than half of the current sending districts have passed resolutions to limit the participation of their students, suggesting that some sending districts do not need to pass a resolution. This could mean either that the district is overcrowded or that the loss of students is so minimal as to have little or no impact on the district. A few sending districts that had passed resolutions have subsequently rescinded them.

After three years of implementation of the school choice program, it has become apparent that the number of participating students will be limited whether or not a sending district passes a resolution, as a result of the limited number of seats that choice districts make available to interested students, and of competition for those limited seats among interested students from various sending districts. Furthermore, most choice districts have limited their program to students who live within 20 miles of the choice district. These natural limitations have made it unnecessary, in many instances, for a sending district to pass a resolution limiting their student participants.

## **F. RECOMMENDATIONS**

The Interdistrict Public School Choice Program was designed to explore whether public school choice would provide a viable educational option for New Jersey students and their families. The school choice program offers flexibility to parents and students in selecting a public school program that best meets the needs of the individual student. In addition to increasing educational opportunities for individual students, the school choice program has successfully improved the quality of education in the choice districts, made progress toward improving efficiency through a redistribution of students from overcrowded to under-enrolled school districts, and has succeeded in limiting the impact of the program on sending districts.

New Jersey's experience with the school choice program over the past three school years has made clear that students and their parents throughout the

state are vitally interested in having the opportunity to make public school choices for their education. Staff of the Office of Interdistrict Public School Choice at the New Jersey Department of Education hear virtually daily from parents who are eager to participate in public school choice but who are frequently disappointed to learn that this opportunity is not available to them and to their children. As might be expected, inquiries from parents interested in learning more about public school choice have increased since the passage of the federal *No Child Left Behind Act*. Most of the choice districts have found it necessary to conduct lotteries in at least some of the grades in which they have seats available for choice program students. There are not enough choice districts, and there are not enough seats available in the existing choice districts to meet the demand of the parents and children throughout the state who want to participate in the school choice program.

The department is prepared to discuss recommendations to modify and clarify the Interdistrict Public School Choice Program during the reauthorization process. However, at this time the department will resubmit the recommendations made in its Second Annual Report in June 2002.

The first and most significant recommendation to be made is:

**Reauthorize the Interdistrict Public School Choice Program and increase the number of choice districts in New Jersey by eliminating the restriction of one choice district per county.**

As discussed in the previous section, the interest expressed in the Interdistrict Public School Choice Program by parents throughout the state has made it clear that there are not enough choice districts and there are not enough seats available in the existing choice districts to provide choice opportunities for all interested students.

In addition, geographic constraints have effectively eliminated some of the students in some counties from participation in the program, and in at least one county have eliminated most of the students in the county from participation. For example, Burlington County extends across the state from the Delaware River to Atlantic County. The choice district in Burlington County is Washington Township which is located in the Pinelands in the southeastern corner of the county. All of the out-of-district students who have attended school in Washington Township under the school choice program come from districts in Atlantic County. The distance across Burlington County is such that there is no practical way for children from the populous western sections of Burlington County to travel to Washington Township for school. These children do not have access to the school choice program despite the existence in their county of a choice district.

While this is the most extreme example, districts such as Mine Hill in the far western reaches of Morris County, and Bloomsbury in the northwestern part of Hunterdon County which are not in reality accessible to many of the students within those counties. In fact, most of Bloomsbury's students come from Phillipsburg in Warren County.

The limitation to one choice district per county also has effectively eliminated access to interdistrict public school choice for students at certain grade levels. If the district selected as a choice district in a given county is a K-8 district, then students in grades 9-12 in that county do not have access to the choice program. Similarly, in several counties, the choice district offers a specific program to high school students. Elementary and middle school students in those counties do not have access to school choice.

Finally, several counties in New Jersey report most if not all of their districts to be full or overcrowded. It is unlikely that a district from those counties will apply to become a choice district. However, there may be a district with space for choice students located in an adjacent county which, if it were selected as a choice district, could offer the interdistrict public school choice program alternative to students in the county without a choice district. However, if there is already a choice district in the adjacent county and it is not geographically or grade level accessible to students in the county that has no choice district, then those students will have no chance to participate in the program as it is currently constructed.

## **RECOMMENDATION**

Permit the selection of more than one choice district per county. If there must be restrictions, provide at a minimum that there be enough choice districts in the county to offer the program at all grade levels, and consider modifying restrictions to take geographic considerations into account

**Siblings of students enrolled in and attending a choice district should be allowed to apply to enroll in the kindergarten of that choice district where the choice district has kindergarten seats available**

*N.J.S.A. 18A:36B-37(a)* provides that “To be eligible to participate in the program, a student shall be enrolled at the time of application in grades K through 9 in a school of the sending district and have attended school in the sending district for at least one full year immediately preceding enrollment in the choice district.” This language restricts student enrollment in a choice district to grades 1 through 10.

This issue was raised in testimony before the Joint Committee on the Public Schools, and there has been general agreement among choice districts, parents, and department staff throughout the life of this program that the eligibility requirements should be revised to allow admission to a choice district of a kindergarten student whose sibling ***is already enrolled in and attending the choice district***. The philosophical basis for this exception is a belief that siblings should not be unnecessarily separated for what is a technicality – the requirement that the kindergartner attend public school in the district of residence for one full year before being eligible for admission to the school choice program. The programmatic basis for this exception is found in *N.J.A.C. 61:12-3.2(a)3*.

- A choice district may give preference for enrollment to siblings of enrolled students.

## **RECOMMENDATION**

Revise the choice student eligibility requirements to provide an exception for siblings of enrolled choice students to allow them to apply to enroll in kindergarten in the choice district attended by their siblings.

**In the sending district's enrollment restriction percentage calculation, any percentage of a student should equal one student.**

*N.J.S.A.* 18A:36B-8(b) provides:

- (1) Upon adoption of a resolution, the school board of a sending district may restrict enrollment of its students in a choice district to 2% of the number of students per grade level per year in the sending district, limited by any resolution adopted pursuant to paragraph (2) of this subsection.
- (2) Upon adoption of a resolution, the school board of a sending district may restrict enrollment of its students in a choice district to 7% of the total number of students enrolled in the sending district.

Sending districts have not been consistent when they calculate their enrollment restriction percentages pursuant to *N.J.S.A.* 18A:36B-8(b). In some sending districts, the grade level enrollments are so small that any calculation does not yield a whole student and the district, therefore, may not want to allow any students to participate in the school choice program. In other sending districts, the calculation yields a number with a decimal, *e.g.*, 4.2, and the districts choose to round that figure down to the next whole number. While it is possible to have a percentage of a number, it is not possible to have a percentage of a student. Any number representing more than one student equals another student.

## **RECOMMENDATION**

Revise *N.J.S.A.* 18A:36B-8(b) to stipulate that when the multiplication of the grade level enrollment by the percentage established in the district's resolution results in a number with a decimal, the decimal shall be deemed to represent an additional student.

**Choice districts should not be eligible to enroll students on a tuition basis once the district is approved by the Commissioner to operate as a choice district.**

The statute and the code include similar provisions regarding students who are attending a district on a parent-paid tuition basis at the time that the district is selected by the Commissioner as a choice district:

- A choice district shall not be eligible to enroll students on a tuition basis pursuant to *N.J.S.A. 18A:36B-3* while participating in the public school choice program. Any student enrolled on a tuition basis prior to the establishment of the choice program shall be entitled to remain enrolled in the choice district as a choice program student. *N.J.S.A. 18A:36B-8d*.
- Any student enrolled on a tuition basis in a district prior to the establishment of the choice program in that district shall be entitled to remain in that choice district as a choice student. *N.J.A.C. 6A:12-3.2(a)4*.

Districts interested in participating in the school choice program submit their applications to the department in April and those selected as new choice districts are approved by the Commissioner and announced by July 30. Newly approved choice districts participate in the student application process beginning with the first application cycle in November and the first choice students enroll in the choice districts in the following September, more than one full school year after the districts' approval as choice districts.

A new choice district maintains its tuition program after its July (*for example, July 2003*) approval and through the following school year (*in the example, the 2003-2004 school year*). During this school year, which is the choice district's first year of participation in the program, the newly designated choice district conducts its first student application cycles; tuition students do not become choice students and the choice district does not receive school choice aid for those students. The choice district begins to receive funding for school choice students in the September following its first year of participation in the program (*in the example, September 2004*). At that time the choice district receives school choice aid for both newly enrolled choice program students and former parent-paid tuition students who then become choice program students.

In the first three years of program implementation, parents have discovered that they can circumvent the program's student eligibility requirements and/or eliminate the necessity to compete for scarce choice program seats by enrolling their children in a newly selected choice district on a parent-paid tuition basis in the school year immediately following the July in which a district was approved as a choice district (*again, in the example, the 2003-2004 school year*). These children would then become choice students in the next school year. Some of these children might have been otherwise ineligible for participation in the school choice program because, for example, they previously had attended a private or parochial school, or had been home schooled, or had attended a public school outside their district of residence under a parent-paid tuition program.

This can occur under this provision because choice district participation in the program has been defined as beginning one year and two months after the district is approved as a choice district.

## **RECOMMENDATION**

Revise the statute and code cited above to read:



- ....Any student enrolled on a tuition basis [prior to the establishment of the choice program] at the time of selection of the district as a choice district by the Commissioner shall be entitled to remain enrolled in the choice district as a choice program student. Once the district is selected by the Commissioner as a choice district no additional students may be admitted on a parent-paid tuition basis. N.J.S.A. 18A:36B-8d.
- Any student enrolled on a tuition basis in a district [prior to the establishment of the choice program in that district] at the time of selection of the district as a choice district by the Commissioner shall be entitled to remain in that choice district as a choice student. Once the district is selected by the Commissioner as a choice district no additional students may be admitted on a parent-paid tuition basis. N.J.A.C. 6A:12-3.2(a)4.

## **G. CONCLUSION**

The Interdistrict Public School Choice Program (school choice program) was established as a five-year pilot program designed to explore whether public school choice would provide a viable educational option for New Jersey students and their families. The school choice program offers flexibility to parents and students in selecting a public school program that best meets the needs of the individual student. In addition to increasing educational opportunities for individual students, it was anticipated that the school choice program would effect systemic improvements such as enhancing academic achievement and improving efficiency through a redistribution of students from overcrowded to under-enrolled school districts.

The Interdistrict Public School Choice Program continues to be successful for all involved. Choice districts, choice students and their parents, students who reside in the choice districts, their parents and their communities have benefited from smaller class sizes, the establishment of innovative programs, the expansion of classes in art, music, literature and technology, the increase in instructional hours and/or days, the enrichment of the school community through the addition of students of different backgrounds and with different experiences from those of the district's resident students.

The program has been effective in promoting educational choices for New Jersey's students. It has been effective in improving the quality of education in the choice districts. It has been effective in ameliorating possible negative impacts in the sending districts.

Implementation of the program as a small pilot has provided the department and the participating districts with the opportunity to explore the successes and the challenges of a school choice program, and to develop the knowledge and experience to move on to the next level.

The knowledge and experience gained through the implementation of the Interdistrict Public School Choice Program also has helped to place New Jersey

in a better position to address the school choice requirements of the federal *No Child Left Behind Act*.

The Interdistrict Public School Choice Program has met and exceeded the expectations and aspirations of the New Jersey Legislature and the Department of Education in creating the program. School choice is working in New Jersey and working so well that the program should be expanded as part of New Jersey's ongoing commitment to enhancing the opportunities for all students to achieve academic excellence in the public schools of the state.

APPENDIX A

CHOICE DISTRICTS  
June 1, 2003

County	District	District Type	DFG	Choice Students 2000-2001	Choice Students 2001-2002	Choice Students 2002-2003	Choice Students 2003-2004	Seats Available 2004-2005	Estimated Total Student Enrollment 2002-2003	% Choice Students in District 2002-2003
Atlantic	Folsom	PreK-8	CD	17	42	72	107	43	298	24.16%
Bergen	Englewood	K-12	DE						2654.5	
	Choice Program	9-12		0	1	55	121	75	675	8.15%
Burlington	Washington Twp.	K-8	B	5	7	8	11	20	122	6.56%
Camden	Brooklawn	PreK-8	B			36	59	30	238	15.13%
Cumberland	Cumberland Reg.	9-12	B	9	33	48	86	36	1177.5	4.08%
Gloucester	South Harrison	K-6	DE			5	5		244	2.05%
Hudson	Hoboken	K-12	B	3	23	33	67	56	2180	1.51%
Hunterdon	Bloomsbury	K-8	DE	13	30	21	28	35	141	14.89%
Monmouth	Upper Freehold Reg.	K-12	FG							
	Choice Program	9-12		11	27	39	58	14	753.5	5.18%
Morris	Mine Hill	K-6	FG	16	51	43	57	19	420	10.24%
Ocean	Stafford Twp.	K-6	B				0	20	2276	0
Salem	Salem City	K-12	A					115		
	Choice Program	9-12		0	0	2	10		546	0.37%
Union	Kenilworth	K-12	CD	22	61	75	97	20	1178	6.37%
Warren	Belvidere	PreK-12	DE		16	24	30	5	966	2.48%
<b>TOTALS:</b>										
				96	291	461	736			



**NEW JERSEY DEPARTMENT OF EDUCATION**  
**Interdistrict Public School Choice**

**STUDENT APPLICATION TIMELINES**  
*for the*  
**2004-2005 SCHOOL YEAR**

<b>FIRST CYCLE</b> <b>Must be received by:</b>	<b>Document</b>	<b>Sent from/to:</b>	<b>SECOND CYCLE</b> <b>Must be received by:</b>
<b>November 3, 2003</b>	Notice of Intent to Participate in the School Choice Program	Parent/Guardian must submit this notice to the Superintendent of the district in which the student resides.	<b>March 3, 2004</b>
<b>November 25, 2003</b>	Written notification to the parents that the student may or may not participate in the school choice program	District of residence sends notification to parent/guardian.	<b>March 25, 2004</b>
<b>December 5, 2003</b>	Student Application to choice district, <i>including written notification from district of residence*</i>	Parent/Guardian submits the application to the choice district.	<b>April 7, 2004</b>
<b>January 6, 2004</b>	Choice district Notice of Acceptance or Rejection of the student's application	Choice district sends this notice to parent/guardian <i>and to the district of residence.</i>	<b>May 5, 2004</b>
<b>January 15, 2004</b>	Student's Notice of Intent to Enroll in the choice district	Parent/Guardian sends this notice to the choice district. Choice district notifies district of residence.	<b>May 17, 2004</b>
<b>January 27, 2004</b>	Notice of Acceptance to next student(s) on waiting list.	If the choice district does not receive Notices of Intent to Enroll by the due date from all students accepted in the first round, the choice district sends the Notice of Acceptance to the next students on the waiting list, in order, to fill the seats available.	<b>May 26, 2004</b>
<b>February 5, 2004</b>	Student's Notice of Intent to Enroll in the choice district	Parent/Guardian sends this notice to the choice district. Choice district notifies district of residence.	<b>June 7, 2004</b>

\*In the event that the district of residence fails to provide timely notification to the student's parent or legal guardian stating whether or not the student may participate in the school choice program, the parent or legal guardian of the student may participate in the school choice program without the district of residence notification.



**NEW JERSEY DEPARTMENT OF EDUCATION  
Interdistrict Public School Choice**

**STUDENT APPLICATION TIMELINES**

*for the*  
**2004-2005 SCHOOL YEAR  
ACADEMIES@ENGLEWOOD**

<b>Must be received by:</b>	<b>Document</b>	<b>Sent from/to:</b>
<b>January 15, 2004</b>	Notice of Intent to Participate in the School Choice Program	Parent/Guardian must submit this notice to the Superintendent of the district in which the student resides.
<b>January 30, 2004</b>	Written notification to the parents that the student may or may not participate in the school choice program	District of residence sends notification to parent/guardian.
<b>February 16, 2004</b>	Student Application to choice district, <i>including written notification from district of residence*</i>	Parent/Guardian submits the application to the choice district.
<b>April 8, 2004</b>	Choice district Notice of Acceptance or Rejection of the student's application	Choice district sends this notice to parent/guardian <i>and to the district of residence.</i>
<b>April 22, 2004</b>	Student's Notice of Intent to Enroll in the choice district	Parent/Guardian sends this notice to the choice district. Choice district notifies district of residence.
<b>April 30, 2004</b>	Notice of Acceptance to next student(s) on waiting list.	If the choice district does not receive Notices of Intent to Enroll by April 21st from all students accepted in the first round, the choice district sends the Notice of Acceptance to the next students on the waiting list, in order, to fill the seats available.
<b>May 12, 2004</b>	Student's Notice of Intent to Enroll in the choice district	Parent/Guardian sends this notice to the choice district. Choice district notifies district of residence.

\*In the event that the district of residence fails to provide timely notification to the student's parent or legal guardian stating whether or not the student may participate in the school choice program, the parent or legal guardian of the student may participate in the school choice program without the district of residence notification.

APPENDIX D

INTERDISTRICT PUBLIC SCHOOL CHOICE  
Sending Districts

Choice District	County	Sending District	County	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	Sending District Resolutions			
									2%	2%/7%	other	No
Folsom	Atlantic	Buena Regional	Atlantic	x	x	x	x			x		
		Chesilhurst	Camden			x	x			x		
		Egg Harbor City*	Atlantic			x	x			x		
		Hamilton Twp	Atlantic	x	x	x	x					x
		Hammonton	Atlantic	x	x	x	x			x		
		Harrison Twp	Gloucester	x	x	x						x
		Pleasantville	Atlantic		x	x	x					x
		Vineland	Cumberland			x	x					
		Winslow	Camden	x	x	x	x		x			
Englewood	Bergen	Bergenfield	Bergen			x	x					
		Bogota	Bergen			x	x					x
		Carlstadt	Bergen				x					
		Cliffside Park	Bergen			x	x					
		Cresskill	Bergen			x	x		x			
		Demarest	Bergen			x	x					x
		Dumont	Bergen			x	x					
		East Newark	Bergen			x						x
		East Rutherford	Bergen				x					x
		Edgewater	Bergen			x	x					
		Emerson	Bergen			x	x			x		
		Fairview	Bergen				x					
		Fort Lee	Bergen			x	x					
		Garfield	Bergen			x	x					x
		Guttenberg*	Hudson				x					x
		Hackensack	Bergen			x	x					
		Hasbrouck Heights	Bergen				x					
		Hawthorne	Passaic			x	x			x		
		Hillsdale	Bergen			x	x					x
		Jersey City*	Hudson			x	x			x		
		Leonia	Bergen			x	x					
		Little Ferry	Bergen			x	x					x
		Lodi	Bergen			x	x					x
		Lyndhurst	Bergen			x	x		x			
		Moonachie	Bergen			x	x					x

Choice District	County	Sending District	County	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	Sending District Resolutions			
									2%	2%/7%	other	No
Englewood	Bergen	New Milford	Bergen			x	x					
		North Arlington	Bergen			x	x			x		
		Palisades Park	Bergen			x	x				5% gr 9	x
		Paramus	Bergen			x	x		x			
		Park Ridge	Bergen				x		x			
		Ridgefield	Bergen			x	x			x		
		Ridgefield Park	Bergen			x	x					x
		River Edge	Bergen			x	x					x
		River Vale	Bergen			x	x					x
		Rochelle Park	Bergen			x	x					x
		Rutherford	Bergen			x	x					x
		Teaneck	Bergen			x	x			x		
		Upper Saddle River	Bergen				x				I	
		Westwood Reg.	Bergen			x	x		x			
		West New York*	Hudson			x	x			x		
Washington Twp	Burlington	Egg Harbor City*	Atlantic	x	x	x	x			x		
		Egg Harbor Twp	Atlantic			x	x					x
		Mullica Twp	Atlantic	x	x	x	x			x		
Brooklawn	Camden	Audubon	Camden			x	x					
		Bellmawr	Camden			x	x		x			
		Camden	Camden			x	x					
		Gloucester City	Camden			x	x		x			
		Mt. Ephraim	Camden			x	x					
		Willingboro	Burlington				x					
Cumberland Reg.	Cumberland	Bridgeton	Cumberland	x	x	x	x			x		
		Commercial Twp.	Cumberland	x	x	x	x					x
		Downe Twp.	Cumberland	x	x	x	x					x
		Lawrence	Cumberland		x	x	x					x
		Lwr Alloways Crk	Salem		x							
		Maurice River	Cumberland	x	x	x	x					x
		South Harrison	Gloucester		x	x				x		
		West Deptford	Gloucester		x	x	x					x

Choice District	County	Sending District	County	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	Sending District Resolutions			
									2%	2%/7%	other	No
South Harrison	Gloucester	Harrison Twp	Gloucester			x	x					x
		Paulsboro	Gloucester			x	x					x
		Washington Twp	Gloucester			x	x					
Hoboken	Hudson	Guttenberg*	Hudson		x	x	x					x
		Jersey City*	Hudson	x	x	x	x			x		
		North Bergen	Hudson		x	x	x			x		
		Union City	Hudson		x	x						
		West New York*	Hudson			x				x		
Bloomsbury	Hunterdon	Greenwich Twp*			x		x					x
		Milford	Hunterdon				x					
		Phillipsburg*	Warren	x	x	x	x			x		
Upper Freehold	Monmouth	East Windsor	Mercer			x	x					x
		Hamilton Twp	Mercer			x	x					x
		Jackson Twp	Monmouth		x	x						
		Lawrence	Mercer		x							
		Manalapan-English	Monmouth	x	x	x	x					x
		Millstone	Monmouth		x							
		Ocean Twp	Monmouth	x								
		Plumsted	Ocean	x	x	x	x		x			
		Roosevelt	Monmouth				x					
		Washington Twp	Mercer	x	x	x	x			x		
Mine Hill	Morris	Byram Twp	Morris			x						x
		Dover	Morris	x	x	x	x		x			
		Jefferson Twp.	Morris				x					
		Mt. Arlington	Morris		x	x	x			x		
		Mt. Olive	Morris		x	x	x					
		Randolph	Morris	x	x	x	x					x
		Roxbury	Morris	x	x	x	x					
		Victory Gardens	Morris		x	x	x					x
		Wharton	Morris	x	x	x	x		x			
Salem City	Salem	Hopewell	Cumberland			x	x					x
		Pennsville	Salem				x				I	
		Upper Pittsgrove	Salem				x			x		
		Woodstown	Salem			x	x			x		



Choice District	County	Sending District	County	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	Sending District Resolutions			
									2%	2%/7%	other	No
Kenilworth	Union	Elizabeth	Union		x	x	x		x			
		Hillside	Union	x	x	x	x		x			
		Linden	Union		x	x	x		x			
		Plainfield	Union		x	x	x					
		Rahway	Union		x	x	x		x			
		Roselle	Union	x	x	x	x					x
		Roselle Park	Union		x	x	x			x		
		Scotch Plains-Fanwood	Union							x		
		Union	Union	x	x	x	x					x
		Winfield Twp	Union	x	x	x	x					
Belvidere	Warren	Great Meadows	Warren		x	x	x					x
		Greenwich Twp*	Warren				x					x
		Harmony	Warren			x			x			
		Hope	Warren		x	x				x		
		Knowlton	Warren		x	x	x					x
		Liberty	Warren		x	x	x					
		Lopatcong	Warren		x	x	x			x	I	
		No. Warren Reg.	Warren				x					
		Oxford	Warren		x	x	x					
		Phillipsburg*	Warren		x	x	x			x		
		Warren Hills	Warren		x	x	x				I	
		Washington Boro	Warren				x			x		
		Washington Twp	Warren			x						x
		White Twp	Warren		x	x	x			x		
				25	53	101	107					

\*District sends to more than one choice district

I=intends to pass resolution

June 30, 2003